

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Peoples,)	C/A No.: 1:10-24-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Capt. Guerry Rogers; Lt. Willie Davis;)	
Sgt. Dorothy Simmons; Sgt. F. Ford;)	
Nurse Morgens E. Henningsen; Nurse)	
Sara Murdock; Ofc. Alejandro Lucas;)	
Ofc. Ryan Stubbs; Assoc. Warden)	
Robbin Chavis; Ofc. Jane Doe; Ofc.)	
NFN Tillman; Ofc. NFN Stenton; Ofc.)	
NFN Blue Jr.; Ofc. NFN Smith; all)	
Individual capacities,)	
)	
Defendants.)	
)	

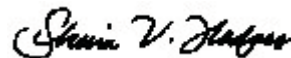
Plaintiff, proceeding *pro se* and *in forma pauperis*, has alleged violations of his constitutional rights, which are construed as brought pursuant to 42 U.S.C. § 1983. In an order filed in this case on February 9, 2010, service of process upon defendants was authorized. On March 17, 2010, counsel filed an answer on behalf of “Defendants.” Subsequently, the service documents for defendants NFN Smith, Jane Doe, NFN Tillman, NFN Blue, Jr., Sara Murdock, and Alejandro Lucas were returned and the Marshal’s Service indicated it was unable to locate the individuals. *See* USM-285 Returns [Entries #50–#53, #55, #60]. The returns indicate the information Plaintiff provided to identify these defendants was insufficient.

Plaintiff requested additional time to serve several defendants. [Entry #58, #66]. By order dated February 2, 2011, the court ordered counsel to clarify which defendants

they represent and to advise whether they would accept service of process for the following defendants: NFN Smith, Jane Doe, NFN Tillman, NFN Blue, Jr., Sara Murdock, and Alejandro Lucas. [Entry #71]. Counsel for defendants Chavis, Ford, Henningsen, Rogers, Simmons, Stenton, and Stubbs complied with the court's order and indicated that they could not accept service on behalf of the remaining defendants. [Entry #74]. On May 6, 2011, the court directed Plaintiff to complete, sign, and return by June 6, 2011, a Form USM-285 for the defendants who have not yet been served in this case.

Plaintiff failed to comply with the court's May 6, 2011 order. On June 7, 2011, the undersigned ordered Plaintiff to advise the court by June 21, 2011 as to whether he wishes to continue with this case and specifically advised Plaintiff that failure to respond would result in the recommendation that the case be dismissed. Notwithstanding the specific warning, Plaintiff has filed no response. As such, it appears to the court that he wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



June 28, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge